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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/499,563	02/07/2000	Satoshi Yoneya	450100-02315	1453
20999	7590	07/16/2004	EXAMINER	
FROMMER LAWRENCE & HAUG 745 FIFTH AVENUE- 10TH FL. NEW YORK, NY 10151			TRAN, THAI Q	
		ART UNIT		PAPER NUMBER
		2616		
DATE MAILED: 07/16/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/499,563	YONEYA ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Thai Tran	2615	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 19 April 2004.  
 2a) This action is **FINAL**.                            2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-56 is/are pending in the application.  
 4a) Of the above claim(s) 29-56 is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-28 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 07 February 2000 is/are: a) accepted or b) objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____

## DETAILED ACTION

### ***Response to Arguments***

1. Applicant's arguments filed April 19, 2004 have been fully considered but they are not persuasive.

In re pages 27-28, applicants argue that Yoneya does not teach or suggest that each record medium includes at least two different types of data as required by claimed invention but, instead, Yoneya discloses an apparatus and method "in which video data and audio data are stored independently of each other in other in different recording medium.

In response, the examiner respectfully disagrees. Yoneya et al discloses in col. 6, lines 54-59 that "The configuration of the **HDDs 1A, 1B, ... to store the audio signals** corresponds to that of RAID-1 among the levels of RAID described above, and the **video signals** supplied by the multi-separation part 20 are written into two **HDDs 1A and 1B**. In other words, the **same audio signals** for one channel are written into the **HDDs 1A and 1B**". From the above passage, it is clear that **HDDs 1A and 1B are used to store both video and audio signals**. Therefore, Yoneya et al does indeed disclose in the claimed each recording medium (either HDDs 1A or HDDs 1B) includes at least two different types of data (video and audio signals).

### ***Drawings***

2. The proposed drawings corrections received on April 19, 2004 have been approved by the examiner.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-28 are rejected under 35 U.S.C. 102(e) as being anticipated by Yoneya et al (US 6,587,640 B1) as set forth in paragraph #5 of the last Office Action.

Regarding claim 1, Yoneya et al discloses a data recording/reproducing apparatus (Fig. 1), comprising:

a plurality of record mediums that are random-accessible (RAID parts 10 and 21 of Fig. 1, col. 5, lines 36-44 and col. 6, lines 21-47), in which each of said plurality of record medium is operable to store therein at least two different types of data;

recording and reproducing means (RAID parts 10 and 21 of Fig. 1, col. 5, lines 36-44 and col. 6, lines 21-47) for recording and reproducing data to and from said plurality of recording mediums; and

a plurality of input and output processing means (the video processor part 30 of Fig. 1, col. 5, line 47 to col. 6, line 5) for accessing said recording and reproducing means on time division basis, outputting said at least two different types of data that are input from the outside to said recording and reproducing means, and outputting the input data to the outside,

wherein each of said plurality of input and output processing means has:  
input means (RAID parts 10 and 21 of Fig. 1, col. 6, lines 21-67) for outputting record area information and the data that is input from the outside to said reproducing and reproducing means so that the data is recorded to predetermined areas of said plurality of record mediums corresponding to the different types of data, and

wherein said recording and reproducing means records the different types of data to the predetermined areas of said plurality of record mediums corresponding to the record area information that is output from said input means (col. 6, lines 21-67).

Regarding claim 2, Yoneya et al additionally discloses the claimed wherein the different types of data are video data and audio data (col. 6, lines 21-67).

Regarding claim 3, Yoneya et al discloses the claimed wherein the record area information is information representing an address of a record start position and an address of a record end position of one of said plurality of record mediums (col. 6, lines 21-67 and col. 9, lines 27-37).

Regarding claim 4, Yoneya et al discloses a data recording and reproducing method (Fig. 1) for accessing recording and reproducing means, outputting data to the recording and reproducing means, inputting reproduced data that is output from the recording and reproducing means, and outputting the data to the outside, the recording and reproducing means recording and reproducing the data to a record medium that is random-accessible on time division basis, the data containing different types of data that are input from the outside, the method comprising the steps of:

- (a) outputting recording are information and the data to the recording and reproducing means so that the different types of data are recorded to predetermined areas of the record medium (col. 6, lines 21-67);
- (b) recording the different types of data to the predetermined areas of the record medium corresponding to the record area information that is output to the recording and reproducing means at step (a); and
- (c) reproducing the different types of data from the predetermined areas of the recording medium, outputting the different types of data on time division basis, and outputting them to the outside (col. 5, line 47 to col. 6, line 5).

Regarding claim 5, Yoneya et al additionally discloses the claimed wherein the different types of data are video data and audio data (col. 6, lines 21-67).

Regarding claim 6, Yoneya et al discloses the claimed wherein the record area information is information representing an address of a record start position and an address of a record end position of one of said plurality of record mediums (col. 6, lines 21-67 and col. 9, lines 27-37).

Claims 7-9 are rejected for the same reasons as discussed in claims 1-3 above, respectively.

Claims 10-12 are rejected for the same reasons as discussed in claims 4-6 above, respectively.

Regarding claim 13, Yoneya et al discloses a data recording and reproducing apparatus (Fig. 1), comprising:

a recording medium (RAID parts 10 and 21 of Fig. 1, col. 5, lines 36-44 and col. 6, lines 21-47) that is random-accessible and which is operable to store therein at least two different types of data;

recording and reproducing means (RAID parts 10 and 21 of Fig. 1, col. 5, lines 36-44 and col. 6, lines 21-47) for recording and reproducing the data to and from said recording medium, the data containing video data and audio data; and

a plurality of input and output processing means (the video processor part 30 of Fig. 1, col. 5, line 47 to col. 6, line 5) for accessing said recording and reproducing means on time division basis, outputting data that is input from the outside to said recording and reproducing means, inputting data reproduced by said recording and reproducing means, and outputting the data to the outside,

wherein each of said input and output processing means has:

input means (RAID parts 10 and 21 of Fig. 1, col. 6, lines 21-67) for changing the divide ratio of a recording area for video data and a recording area for audio data of said recording medium corresponding to at least the data that is input from the outside and outputting record area information and the data to said recording and reproducing means so that the video data and the audio data are recorded to predetermined areas of the record medium, and

wherein said recording and reproducing means records the data to the predetermined areas of the recording medium corresponding to the record area information that is output from said input means, reproduces the data from said record

medium, and outputs the reproduced data to each of said input and output processing means on time division basis (col. 6, lines 21-67).

Regarding claim 14, Yoneya et al discloses the claimed wherein each of said input and output processing means changes the divide ratio corresponding to the transmission rate of the video data that is input from the outside and the number of channels of the audio data (col. 3, lines 64-66 and col. 9, lines 27-37).

Regarding claim 15, Yoneya et al discloses the claimed wherein said record medium that is random-accessible is a disc shaped record medium (col. 5, lines 36-44), and wherein each of said input and output processing means changes the divide ratio corresponding to a recording method of RAID for the audio data along with the transmission rate of the video data and the number of channels of the audio data (col. 3, lines 64-66, col. 6, lines 21-67, and col. 9, lines 27-37).

Regarding claim 16, Yoneya et al discloses the claimed wherein the record area information is information representing an address of a record start position and an address of a record end position of one of said plurality of record mediums (col. 6, lines 21-67 and col. 9, lines 27-37).

Regarding claim 17, Yoneya et al discloses a data recording and reproducing method (Fig. 1) for accessing recording and reproducing means, outputting data to the recording and reproducing means, inputting reproduced data that is output from the recording and reproducing means, and outputting the data to the outside, the recording and reproducing means recording and reproducing the data to and from a recording

medium that is random-accessible, that data containing video data and audio data that are input from the outside, the method comprising the steps of:

(a) changing the divide ratio of a record area for the video data and a record area for the audio data on the record medium corresponding to at least the data that is input from the outside and outputting record area information and the data to the recording and reproducing means so that the video data and the audio data are recorded to different record areas of the record medium (RAID parts 10 and 21 of Fig. 1, col. 6, lines 21-67);

(b) recording the video data and the audio data to the different record areas of the record medium corresponding to the record area information that is output to the recording and reproducing means as step (a) (col. 6, lines 21-67); and

(c) reproducing the data from the record medium and outputting the reproduced data to each of input and output processing means (col. 6, lines 21-67).

Regarding claim 18, Yoneya et al discloses the claimed wherein step (a) is performed by changing the divide ratio corresponding to the transmission rate of the video data that is input from the outside and the number of channels of the audio data (col. 3, lines 64-66 and col. 9, lines 27-37).

Regarding claim 19, Yoneya et al discloses the claimed wherein the record medium that is random-accessible is a disc shaped record medium (col. 5, lines 36-44), and wherein step (a) is performed by changing the divide ratio corresponding to a record method of RAID for the audio data along with the transmission rate of the video

data and the number of channels of the audio data (col. 3, lines 64-66, col. 6, lines 21-67, and col. 9, lines 27-37).

Regarding claim 20, Yoneya et al discloses the claimed wherein the record area information is information representing an address of a record start position and an address of a record end position of the recording medium (col. 6, lines 21-67 and col. 9, lines 27-37).

Claims 21-24 are rejected for the same reasons as discussed in claims 13-16 above, respectively.

Claims 25-28 are rejected for the same reasons as discussed in claims 17-20 above, respectively.

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

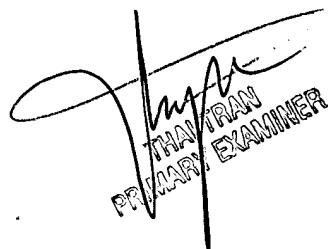
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thai Tran whose telephone number is (703) 305-4725. The examiner can normally be reached on Mon. to Friday, 8:00 AM to 5:30 PM.

The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TTQ



THAI TRAN  
PRIMARY EXAMINER